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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,538	11/30/2001	John R. Fredlund	83539DAN	9143

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EXAMINER	
POKRZYWA, JOSEPH R	

ART UNIT	PAPER NUMBER
2625	

DATE MAILED: 04/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/020,538	FREDLUND ET AL.	
	Examiner	Art Unit	
	Joseph R. Pokrzywa	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 January 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-13,15-18 and 24-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-13,15-18 and 24-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on 1/17/06, and has been entered and made of record. Currently, **claims 2-13, 15-18, and 24-34** are pending.

2. The indicated allowability of claims 8, 15, and 26 is withdrawn in view of the newly discovered reference(s) to Kita *et al.* (U.S. Patent Number 6,707,927). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 2-13, 15-18, and 24-34** are rejected under 35 U.S.C. 102(e) as being anticipated by Kita *et al.* (U.S. Patent Number 6,707,927).

Regarding ***claim 8***, Kita discloses a method of providing human visible information on an image, the method comprising the steps of: selecting a location on an image for human visible information (column 1, lines 20-53); analyzing pixels of the image at said location that will be used to create the human visible information to determine pixel values of said analyzed pixels (column 3, lines 14-65, and column 5, lines 10-59); adjusting the pixel values of said analyzed

pixels by a predetermined amount (column 6, line 28-column 7, line 65); and printing the image with said human visible information thereon (see abstract, and column 5, line 10-column 6, line 67), wherein said human visible information is presented with pixel values which are different from pixel values of an image area which surrounds said human visible information (column 12, lines 38-59), wherein said selecting step comprises the step of determining an optimum location for said human visible information based on a spatial analysis of said image (column 2, lines 11-41, and column 3, lines 14-65).

Regarding ***claim 2***, Kita discloses a method discussed above in claim 8, and further teaches that said adjusting step comprises increasing the pixel values of said analyzed pixels (column 3, lines 14-65, column 5, lines 10-59, and column 13, line 19-column 14, line 67).

Regarding ***claim 3***, Kita discloses a method discussed above in claim 8, and further teaches that said adjusting step comprises decreasing the pixel values of said analyzed pixels (column 3, lines 14-65, column 5, lines 10-59, and column 13, line 19-column 14, line 67).

Regarding ***claim 4***, Kita discloses a method discussed above in claim 8, and further teaches that said adjusting step comprises changing the pixel value of at least one color channel of said analyzed pixels (column 3, lines 14-65, column 5, lines 10-59, and column 13, line 19-column 14, line 67).

Regarding ***claim 5***, Kita discloses a method discussed above in claim 8, and further teaches that said adjusting step comprises adjusting the pixel values of said analyzed pixels by different amounts in each color channel (column 3, lines 14-65, column 5, lines 10-59, and column 13, line 19-column 14, line 67).

Regarding ***claim 6***, Kita discloses a method discussed above in claim 8, and further teaches that said adjusting step comprises adjusting the pixel values of said analyzed pixels by different amounts according to a value of an original pixel (column 3, lines 14-65, column 5, lines 10-59, and column 13, line 19-column 14, line 67).

Regarding ***claim 7***, Kita discloses a method discussed above in claim 8, and further teaches that said adjusting step comprises adjusting the pixel values of said analyzed pixels by less than 10% of full scale (column 3, lines 14-65, column 5, lines 10-59, and column 13, line 19-column 14, line 67).

Regarding ***claim 9***, Kita discloses a method discussed above in claim 8, and further teaches that said optimum location of said image for said human visible information is at least one of an area without high frequency detail on said image, an area of repetitive detail in the image, and a dark portion area of the image (column 3, lines 14-65, column 5, lines 10-59, column 13, line 19-column 14, line 67), and column 16, line 4-column 17, line 60.

Regarding ***claim 10***, Kita discloses a method discussed above in claim 8, and further teaches that said optimum location of said image for said human visible information is at least an area where faces or flesh are not detected (column 3, lines 14-65, column 5, lines 10-59, and column 13, line 19-column 14, line 67).

Regarding ***claim 11***, Kita discloses a method discussed above in claim 8, and further teaches that said analyzing step comprises analyzing a portion of the image (column 3, lines 14-65, column 5, lines 10-59, and column 13, line 19-column 14, line 67).

Regarding ***claim 12***, Kita discloses a method discussed above in claim 8, and further teaches that said human visible information is at least one of a number, a URL, a bar code, APS

IX frame titles, text graphics, a password, a company logo and a crop box on front of the print (column 3, lines 14-65, column 5, lines 10-59, and column 13, line 19-column 14, line 67).

Regarding ***claim 13***, Kita discloses a method discussed above in claim 8, and further teaches that said human visible information is human readable and/or human detectable (column 3, lines 14-65, column 5, lines 10-59, and column 13, line 19-column 14, line 67).

Regarding ***claim 15***, Kita discloses a system for providing human visible information on an image, the system comprising: a computer device adapted to analyze pixels of an image that will be used to create human visible information to determine pixel values of said analyzed pixels (column 3, lines 14-65, and column 5, lines 10-59); said computer device being further adapted to adjust the analyzed pixel values of said pixels by a predetermined amount (column 6, line 28-column 7, line 65); and a printing device adapted to print the image with said human visible information thereon (see abstract, and column 5, line 10-column 6, line 67), wherein said human visible information is printed with pixel values that differ from pixel values of an image area which surrounds the human visible information (column 12, lines 38-59), wherein said computer device is further adapted to determine an optimum location for said human visible information based on a spatial analysis of said image (column 2, lines 11-41, and column 3, lines 14-65).

Regarding ***claim 16***, Kita discloses a system discussed above in claim 15, and further teaches that said optimum location of said image for said human visible information is at least one of an area without high frequency detail on said image, an area of repetitive detail in the image, and a dark portion area of the image (column 3, lines 14-65, column 5, lines 10-59, and column 13, line 19-column 14, line 67).

Regarding ***claim 17***, Kita discloses a system discussed above in claim 15, and further teaches that said human visible information is at least one of a number, a URL, a password, a bar code, APS IX frame titles, text graphics, a company logo and a crop box on front of the print (column 3, lines 14-65, column 5, lines 10-59, and column 13, line 19-column 14, line 67).

Regarding ***claim 18***, Kita discloses a system discussed above in claim 15, and further teaches that said human visible information is human readable and/or human detectable (column 3, lines 14-65, column 5, lines 10-59, and column 13, line 19-column 14, line 67).

Regarding ***claim 24***, Kita discloses a method discussed above in claim 26, and further teaches that said adjusting step comprises increasing the pixel values of said analyzed pixels (column 3, lines 14-65, column 5, lines 10-59, and column 13, line 19-column 14, line 67).

Regarding ***claim 25***, Kita discloses a method discussed above in claim 26, and further teaches that said adjusting step comprises decreasing the pixel values of said analyzed pixels (column 3, lines 14-65, column 5, lines 10-59, and column 13, line 19-column 14, line 67).

Regarding ***claim 26***, Kita discloses a method of providing human visible information on an image, the method comprising the steps of: selecting a location on an image for human visible information (column 1, lines 20-53); analyzing pixels of the image at said location that will be used to create the human visible information to determine pixel values of said analyzed pixels (column 3, lines 14-65, and column 5, lines 10-59); adjusting the pixel values of said analyzed pixels by a predetermined amount (column 6, line 28-column 7, line 65); and printing the image with said human visible information thereon (see abstract, and column 5, line 10-column 6, line 67), wherein said human visible information is presented with pixel values which are different from pixel values that have they have replaced (column 12, lines 38-59), wherein said selecting

step comprises the step of determining an optimum location for said human visible information based on a spatial analysis of said image (column 2, lines 11-41, and column 3, lines 14-65).

Regarding ***claim 27***, Kita discloses a method discussed above in claim 26, and further teaches that said optimum location of said image for said human visible information is at least one of an area without high frequency detail on said image, an area of repetitive detail in the image, and a dark portion area of the image (column 3, lines 14-65, column 5, lines 10-59, and column 13, line 19-column 14, line 67).

Regarding ***claim 28***, Kita discloses a method discussed above in claim 26, and further teaches that said analyzing step comprises analyzing a portion of the image (column 3, lines 14-65, column 5, lines 10-59, and column 13, line 19-column 14, line 67).

Regarding ***claim 29***, Kita discloses a method discussed above in claim 26, and further teaches that said human visible information is at least one of a number, a URL, a bar code, APS IX frame titles, text graphics, a password, a company logo and a crop box on front of the print (column 3, lines 14-65, column 5, lines 10-59, and column 13, line 19-column 14, line 67).

Regarding ***claim 30***, Kita discloses a method discussed above in claim 26, and further teaches that said human visible information is human readable and/or human detectable (column 3, lines 14-65, column 5, lines 10-59, and column 13, line 19-column 14, line 67).

Regarding ***claim 31***, Kita discloses a method discussed above in claim 26, and further teaches that said adjusting step comprises adjusting the pixel values of said analyzed pixels by different amounts in each color channel (column 3, lines 14-65, column 5, lines 10-59, and column 13, line 19-column 14, line 67).

Regarding ***claim 32***, Kita discloses a method discussed above in claim 26, and further teaches that said adjusting step comprises adjusting the pixel values of said analyzed pixels by different amounts according to a value of an original pixel (column 3, lines 14-65, column 5, lines 10-59, and column 13, line 19-column 14, line 67).

Regarding ***claim 33***, Kita discloses a method discussed above in claim 26, and further teaches that said adjusting step comprises adjusting the pixel values of said analyzed pixels by less than 10% of full scale (column 3, lines 14-65, column 5, lines 10-59, and column 13, line 19-column 14, line 67).

Regarding ***claim 34***, Kita discloses a method discussed above in claim 26, and further teaches that said optimum location of said image for said human visible information is at least an area where faces or flesh are not detected (column 3, lines 14-65, column 5, lines 10-59, and column 13, line 19-column 14, line 67).

Citation of Pertinent Prior Art

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Akashi (U.S. Patent Application Publication 2002/0015510) discloses an image recording method; and

Nakano *et al.* (U.S. Patent Number 6,418,232) discloses a method of authenticating digital watermark pictures.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (571) 272-7410. The examiner can normally be reached on Monday-Friday, 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph R. Pokrzywa
Primary Examiner
Art Unit 2625

jrp